

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emilia Mancini	Team: Squad #6	CCRB Case #: 201806378	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 08/06/2018 1:47 PM	Location of Incident: § 87(2)(b)	Precinct: 66	18 Mo. SOL 2/6/2020	EO SOL 2/6/2020	
Date/Time CV Reported Mon, 08/06/2018 1:59 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 08/06/2018 1:59 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Marcos Oviedo	16185	957926	066 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Cody Pantaleo	00834	965395	066 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Marcos Oviedo	Abuse: Police Officer Marcos Oviedo threatened to remove § 87(2)(b) to the hospital.	§ 87(2)(b)
B.POM Marcos Oviedo	Abuse: Police Officer Marcos Oviedo refused to provide his name and/or shield number to § 87(2)(b)	§ 87(2)(b)

Case Summary

On August 6, 2018, § 87(2)(b) filed this complaint via phone with the CCRB.

On August 6, 2018, at approximately 1:30 p.m., § 87(2)(b) arrived at her house located at § 87(2)(b) in Brooklyn and saw what she believed to be signs of vandalism. § 87(2)(b) called 911 and PO Marcos Oviedo and PO Cody Pantaleo of the 66th Precinct responded.

§ 87(2)(b) who was outside of her house with her son, told PO Oviedo that she wanted to file a report in regards to some broken bottles glass on the ground. PO Oviedo refused to take the report and allegedly told § 87(2)(b) “You are an EDP and I have to take you to the hospital because that’s where you belong.” (**Allegation A: Abuse of Authority,** § 87(2)(g) § 87(2)(b))

§ 87(2)(b) asked PO Oviedo to provide his name and shield number multiple times. At first, PO Oviedo refused and later covered his nameplate by holding his arms up to his chest to prevent § 87(2)(b) from reading the name and shield number. (**Allegation B: Abuse of Authority,** § 87(2)(g) § 87(2)(b)) Eventually, PO Oviedo lowered his arms so § 87(2)(b) could read his name and shield number, but he did not verbally provide this information.

§ 87(2)(b) was not arrested or issued any summons. There was no video footage pertaining to this incident.

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Marcos Oviedo threatened to remove § 87(2)(b) to the hospital.

§ 87(2)(b) testified that on August 6, 2018, at approximately 1:30pm, she called 911 after she returned home and saw broken glass bottles on the sidewalk in front of her residence. PO Oviedo and PO Pantaleo responded to the location. Despite requesting that an incident report be prepared, PO Oviedo refused to do so. PO Oviedo then allegedly told § 87(2)(b) “You are an EDP and I have to take you to the hospital because that’s where you belong.” [01 BR] § 87(2)(b) did not perceive the threat to remove her to the hospital as a real threat, but a “mean” remark. § 87(2)(b) denied that she made any statements or gestures that suggested that she had intended to harm herself or others. During her interaction with PO Oviedo, which lasted approximately 10-15 minutes, § 87(2)(b) stood approximately two feet away from him when he asked her to step back. § 87(2)(b) complied with PO Oviedo’s request and stepped back. Following this instruction, § 87(2)(b) phoned her brother-in-law, § 87(2)(b) who suggested she ask PO Oviedo to have a supervisor respond to the location [02 BR].

§ 87(2)(b) provided a short phone statement. He stated that § 87(2)(b) phoned him when the officers arrived at her residence. PO Oviedo called § 87(2)(b) an “EDP,” and told her that she was crazy and belonged in the hospital [04 BR].

§ 87(2)(b) who is § 87(2)(b)’s neighbor and whose house is located across the street from § 87(2)(b)’s house, provided a short phone statement. § 87(2)(b) stated he exited his house and saw PO Oviedo and PO Pantaleo in front of § 87(2)(b)’s house. PO Oviedo told § 87(2)(b) that she was an EDP and he was going to take her to the hospital. § 87(2)(b) believed that PO Oviedo’s behavior was inappropriate and disrespectful towards § 87(2)(b) throughout the incident. § 87(2)(b) refused to provide an in-person statement [03 BR].

PO Oviedo stated that when he told § 87(2)(b) that she could not file an incident report since the broken glass bottles were on the public sidewalk and did not constitute a crime, she

Oviedo turned his back to § 87(2)(b) so she could not read the shield number from his uniform and ultimately did not provide it to § 87(2)(b) [03 BR]. Again, he refused to provide a sworn statement.

§ 87(2)(b) also confirmed that while he was on the phone, he heard § 87(2)(b) ask PO Oviedo for his shield number approximately four or five times. § 87(2)(b) recalled that § 87(2)(b) ultimately obtained PO Oviedo's shield number. However, he did not recall whether PO Oviedo verbally provided it to § 87(2)(b) or if she told him that she read it from his uniform [04 BR]. Given that he was not physically present for the incident, he could not speak to PO Oviedo's actions of covering his nameplate.

PO Oviedo stated that § 87(2)(b) asked for his name and shield number twice as he was heading back to his patrol car. PO Oviedo provided this information to her on both occasions. He denied that he held his arms up to cover the nameplate or that he took any other action to prevent § 87(2)(b) to read his name and shield number from his uniform [05 BR].

§ 87(2)(g) PO Pantaleo stated that as PO Oviedo walked back to the patrol car, § 87(2)(b) asked for his name and shield number. PO Oviedo responded by turning towards § 87(2)(b) and showed and verbally stated his name and shield number [03 BR, 04 BR, 06 BR].

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party [08 BR].
- PO Oviedo has been a member of the NYPD for three years and has been subject in CCRB case number 201806472, which has been sent to the CCRB mediation unit.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of October 16, 2018, the Office of New York City Comptroller has no record of a Notice of Claim filed in regards to this incident [09 BR].
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 6

Investigator: _____ Emilia Mancini _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer:

Signature

Print Title & Name

Date